

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ERIC STEPHEN FREEZE,

Plaintiff,

v.

ELIZABETH E. GALLAGHER, et
al.,

Defendants.

CASE NO. C23-1135JLR

ORDER

Before the court is Plaintiff Eric Stephen Freeze’s “motion in limine to strike the Defendants’^[1] pleadings, motions, and advocacy for pleadings and motions for violation of Federal Rule of Civil Procedure 11,” which the court construes as a motion for sanctions under Rule 11. (Mot. (Dkt. # 51).²) The court DENIES Mr. Freeze’s motion.

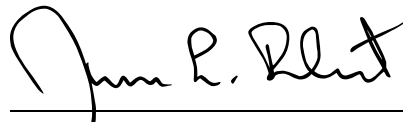
¹ Defendants are Elizabeth Gallagher, Ann G. Freeze Revocable Trust, Ronald L. Freeze Revocable Trust, James Massingale, Angela Massingale, and Jose T. Acuna.

² The court exercises its discretion to decide the motion before the June 10, 2024 noting date. *See* Fed. R. Civ. P. 1 (directing district courts to administer the rules of procedure “to secure the just, speedy, and inexpensive determination of every action and proceeding”).

1 Rule 11(c) imposes “stringent notice and filing requirements on parties seeking
2 sanctions.” *Holgate v. Baldwin*, 425 F.3d 671, 677 (9th Cir. 2005). In particular, as Mr.
3 Freeze acknowledges (*see* Memorandum (Dkt. # 52) at 2-3), Rule 11(c)(2) contains a
4 “safe harbor” provision, which requires “that any motion for sanctions . . . be served on
5 the offending party at least 21 days before the motion is filed with the court.” *Islamic*
6 *Shura Council of S. Cal. v. FBI*, 757 F.3d 870, 872 (9th Cir. 2014); Fed. R. Civ. P.
7 11(c)(2). The Ninth Circuit mandates “strict compliance with Rule 11’s safe harbor
8 provision.” *Id.* Failure to strictly comply with the safe harbor provision bars an award of
9 sanctions under Rule 11(c). *See Barber v. Miller*, 146 F.3d 707, 710 (9th Cir. 1998).

10 Here, Mr. Freeze has not demonstrated that he served a copy of his motion on
11 Defendants 21 days before he filed his motion with the court. (*See generally* Mot.;
12 Memorandum; Freeze Decl. (Dkt. # 53).) Because the Ninth Circuit does not authorize
13 Rule 11 sanctions absent “strict compliance” with the safe harbor provision, *see Islamic*
14 *Shura Council*, 757 F.3d at 872, the court DENIES Mr. Freeze’s motion for sanctions
15 (Dkt. # 51) without prejudice to renewing the motion, if appropriate, in accordance with
16 the Federal Rules of Civil Procedure.

17 Dated this 21st day of May, 2024.

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20 JAMES L. ROBART
21 United States District Judge
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